IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 21925 of 2004

Between:

P.R. Reddenna,

S/o Basireddy,
R/o CISF 437 A Sector III,

Ukkunagaram Post,

VisakhapatnamTown Ship,
Visakhapatnam.

..... PETITIONER

AND

1. The Deputy Inspector General,

   Central Industrial Security Force,
   South Zone,Rajaji Bhavan,

   Basanthnagar, Chennai.

2. The Commandant,

   Central Industrial Security Force Unit,
   Visakha Steel Plant, Visakhapatnam-31.

3. The Deputy Commandant,

   CISF Unit, HPCL,Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering my representations dt. 6-10-2004 and 14-10-2004 to allow the family of the petitioner to retention of the family quarters till the end of academic session May 2005.

Counsel for the Petitioner: MR.B.PARAMESEWARA RAO

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21925 of 2004

ORDER

The present writ petition is filed to declare the action of the respondents in not considering the representations of the petitioner dated 06-10-2004 and 14-10-2004 respectively to allow the petitioner's family to retain in the quarters till the end of the academic session May, 2005.

2. The learned counsel for the petitioner has contended that even

though the circular instructions are there, the authorities have to consider the case of the petitioner, provided the petitioner makes out a case, when transfer is affected during the middle academic year and in such a case, there is sufficient justification for not shifting the family and this aspect has to be considered by the 2nd respondent.

3. The learned Standing Counsel for the respondents has opposed the same contending that the authorities have to follow certain guidelines issued vide proceedings, dated 20-03-2003. Hence, It is not in dispute that the petitioner was shifted from Steel Plant to HPCL in Visakhapatnam.

4. The contention of the petitioner is that his children are studying in Kendriya Vidyalaya. Therefore, in the middle of the academic year, he cannot shift his family. However, The case of the petitioner is that in pursuance of his representations, the 2nd respondent has to pass appropriate orders. These aspects are required to be established before the 2nd respondent who has to pass appropriate orders in taking into account the circular instructions and guidelines issued from time to time.

5. In the circumstances of the case, a direction can be given to the 2nd respondent to pass appropriate orders on the representations dated 06-10-2004 and 14-10-2004 respectively, within a period of four weeks from the date of receipt of a copy of this order. The 2nd respondent is further directed that no recovery proceedings shall be initiated till then or till the orders have been passed by the 2nd respondent, which ever is earlier.

6. The writ petition is accordingly disposed of. There shall be no order as to costs.

November 29, 2004

Kvr

To

1. The Deputy Inspector General,

   Central Industrial Security Force,
   South Zone,Rajaji Bhavan,

   Basanthnagar, Chennai.

2. The Commandant,

   Central Industrial Security Force Unit,
   Visakha Steel Plant, Visakhapatnam-31.

3. The Deputy Commandant,

   CISF Unit, HPCL,Visakhapatnam.

4 Two C.Ds.